

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

May 15, 2000

DIVISION ONE

B134281 People (Not for Publication)
v.
Brady

The judgment is affirmed.

Masterson, J.

We concur: Spencer, P.J.
Ortega, J.

DIVISION THREE

B122578 People
v.
Carter

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B122461 People
v.
Fender

Filed order modifying opinion. Petition for rehearing is denied. (Change in judgment)

DIVISION FOUR

B127184 People
 v.
 Gonzales

Filed order modifying opinion. Petition for rehearing is denied. (No change in the judgment)

B130113 People
 v.
 Mojahed

Filed order denying petition for rehearing.

DIVISION FIVE

B134009 People (Not for Publication)
 v.
 Jerry Cunningham

The judgment is affirmed.

Grignon, Acting P.J.

We concur: Armstrong, J.
 Godoy Perez, J.

B133490 Evelyn Lossia (Not for Publication)
 v.
 Lucinda Felker

The judgment is affirmed. Lossia is to pay Felker's costs on appeal.

Grignon, J.

We concur: Turner, P.J.
 Godoy Perez, J.

DIVISION FIVE (Continued)

B136710 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Marisol C. et al.
In re Astrid C. et al.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B131575 People (Not for Publication)
v.
James Van Sickle et al.

The judgment is affirmed.

Grignon, J.

We concur: Turner, P.J.
 Armstrong, J.

B133562 People (Not for Publication)
v.
Leonard Graham

We order the clerk of the superior court to amend the abstract of judgment to delete the \$200 restitution fine and the \$200 parole revocation fine, to delete the imposition of the one-year enhancement for personal use of a deadly weapon on count 2 and to strike the finding on that count that defendant personally used a deadly weapon pursuant to Penal Code section 12022, subdivision (b)(1). In all other respects, the judgment is affirmed.

Weisman, J. (Assigned)

We concur: Grignon, Acting P.J.
Armstrong, J.

DIVISION FIVE (Continued)

B138959 In re Gabriel Rodriguez (Certified for Publication)
 on
 Habeas Corpus

The petition for writ of habeas corpus is denied.

Weisman, J. (Assigned)

We concur: Grignon, Acting P.J.
 Godoy Perez, J.

DIVISION SIX

B136880 Hinn (Not for Publication)
 v.
 Snyder

The judgment is affirmed. Costs are awarded to respondent.

Yegan, Acting P.J.

We concur: Coffee, J.
 Perren, J.

B126150 Cowger (Not for Publication)
 v.
 Varsity Spirit Corp.

The judgment is affirmed. Costs on appeal are awarded to Varsity Spirit.

Perren, J.

We concur: Gilbert, P.J.
 Yegan, J.

DIVISION SIX (Continued)

B137191 Abbott (Not for Publication)
v.
Vantage Petroleum, Inc.

The trial court is directed to set aside and vacate its post-judgment order of July 16, 1999, vacating the final judgment of March 9, 1999. Upon remittitur from this court, Abbott may obtain a writ of execution to immediately satisfy his judgment. Costs are awarded to Abbott.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

B131492 People (Not for Publication)
v.
Williams

The judgment is affirmed.

Yegan, Acting P.J.

We concur: Coffee, J.
Perren, J.

[illegible]

The judgment is affirmed. Olsen is awarded costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

DIVISION SIX (Continued)

B123527 Pemberton (Not for Publication)
v.
U.S. Family Care Medical Group, Inc.

The judgment is affirmed. Costs to respondents.

Yegan, J.

We concur: Gilbert, P.J.
 Coffee, J.

B129304 Fairfield (Not for Publication)
v.
Gantz

The judgment is modified to show Gantz is to recover \$1,802.20. As so modified, the judgment is affirmed. Each party is to bear his own costs on appeal.

Perren, J.

We concur: Yegan, Acting P.J.
Coffee, J.

[illegible]

We vacate the five-year enhancement and the doubling of the term of imprisonment on the charge of mayhem. The matter is remanded for a new trial on the truth of the prior as a "strike." (People v. Henley (1999) 72 Cal.App.4th 555,566.) In all other particulars, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Coffee, J.

DIVISION SIX (Continued)

B137496 People (Not for Publication)
v.
Smith

The judgment (order of commitment) is affirmed.

Yegan, J.

We concur: Gilbert, P.J.
Perren, J.

DIVISION SEVEN

B134388 Cousine (Not for Publication)
v.
City of Los Angeles et al.

The judgment is reversed and the case remanded to the trial court for further proceedings consistent with this opinion. Appellant shall recover its costs on appeal.

Neal, J.

We concur: Lillie, P.J.
Johnson, J.

B136375 Los Angeles County, D.C.F.S. (Not for Publication)
v.
Richard L., et al.
In re Desiree R., a Person Coming Under the Juvenile Court Law.

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

DIVISION SEVEN (Continued)

[illegible]

The judgment is modified by reducing the restitution fine and the parole revocation fine to \$10,000 each. As modified the judgment is affirmed.

Neal, J.

We concur: Johnson, Acting P.J.
Woods, J.

B130974 People (Not for Publication)
v.
Palencia

The judgment is affirmed.

Neal, J.

We concur: Lillie, P.J.
Woods, J.

B134156 Lightner (Not for Publication)
v.
Whole Foods Market, Inc.

The decision of the trial court is affirmed. Respondent is awarded costs on appeal.

Chavez, J. (Assigned)

We concur: Lillie, P.J.
 Johnson, J.

DIVISION SEVEN (Continued)

B125183 Lugo
 v.
 Bank of America National Trust and Savings

Filed order denying petition for rehearing.

B129840 Mosquera et al. (Not for Publication)
 v.
 ARG Enterprises

The order awarding post-judgment interest is vacated, and the case remanded for recomputation of interest consistent with this opinion. Appellant shall recover costs on appeal.

Neal, J.

We concur: Lillie, P.J.
 Woods, J.

B132950 Farmers Insurance Exchange
 v.
 Martinez

Filed order denying petition for rehearing. Woods, J. would grant the petition.